

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re

Master File No. MDL 1551

RECIPROCAL OF AMERICA (ROA)
SALES PRACTICES LITIGATION

This Document Relates to:
Civil Action No. 04-2294

ORDER GRANTING PLAINTIFFS' MOTION TO SET ASIDE OR FOR
RECONSIDERATION OF DISMISSAL OF STATE LAW CLAIMS, AND
AMENDING SEPTEMBER 29, 2006 ORDER TO REINSTATE PLAINTIFFS'
CLAIMS UNDER STATE LAW AND SET ASIDE DISMISSAL

Before the Court in this multi-district litigation is the motion of the Plaintiffs, Missouri Health Plan; Hospital Services Group, Inc.; Healthcare Services Association; Providers Insurance Consultants, Inc.; and Medical Liability Alliance, to set aside, or, in the alternative, for reconsideration of, the Court's dismissal of their state claims against Defendants General Reinsurance Corporation, Thomas M. Reindel, Tommy N. Kellogg and Victoria J. Seeger. In an order entered September 29, 2006, the Court granted the motion of these defendants to dismiss the Plaintiffs' second amended complaint with respect to the federal claims asserted therein. The Court also declined to exercise supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1367(c)(3), which permits dismissal of such claims upon disposition of claims over which the Court had original jurisdiction.

In the instant motion, the Plaintiffs advise the Court that diversity jurisdiction exists in this case, as they are Missouri corporations and none of the Defendants reside in Missouri. The Defendants do not take issue with the existence of diversity jurisdiction. Therefore, the motion is GRANTED and the Court's September 29, 2006 order is AMENDED to reflect that, subsequent to

the dismissal of their federal claims, the Plaintiffs' state law claims remained before the Court by virtue of diversity jurisdiction. See 28 U.S.C. § 1332. Therefore, the Court's dismissal of the state claims, which will be addressed by separate order, is hereby SET ASIDE. The Plaintiffs' motion for hearing on the motion is DENIED.

IT IS SO ORDERED this 28th day of September, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE